
SUBSTITUTE SENATE BILL 5896

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Constantine, Kline, Hargrove, Costa, Thibaudeau, Kohl-Welles and Regala)

READ FIRST TIME 03/08/01.

1 AN ACT Relating to DNA testing of evidence; amending RCW 10.73.170;
2 and adding a new section to chapter 10.73 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 10.73.170 and 2000 c 92 s 1 are each amended to read
5 as follows:

6 (1) On or before December 31, ~~((2002))~~ 2004, a person in this state
7 who has been ~~((sentenced to death or life imprisonment without
8 possibility of release or parole))~~ convicted of a felony and is
9 currently serving a term of imprisonment and who has been denied
10 postconviction DNA testing may submit a request to the county
11 prosecutor in the county where the conviction was obtained for
12 postconviction DNA testing, if DNA evidence was not admitted because
13 the court ruled DNA testing did not meet acceptable scientific
14 standards or DNA testing technology was not sufficiently developed to
15 test the DNA evidence in the case. On and after January 1, ~~((2003))~~
16 2005, a person must raise the DNA issues at trial or on appeal.

17 (2) The prosecutor shall screen the request. The request shall be
18 reviewed based upon the likelihood that the DNA evidence would
19 demonstrate innocence on a more probable than not basis. Upon

1 determining that testing should occur and the evidence still exists,
2 the prosecutor shall request DNA testing by the Washington state patrol
3 crime laboratory. Contact with victims shall be handled through
4 victim/witness divisions.

5 (3) A person denied a request made pursuant to subsections (1) and
6 (2) of this section has a right to appeal his or her request within
7 thirty days of denial of the request by the prosecutor. The appeal
8 shall be to the attorney general's office. If the attorney general's
9 office determines that it is likely that the DNA testing would
10 demonstrate innocence on a more probable than not basis, then the
11 attorney general's office shall request DNA testing by the Washington
12 state patrol crime laboratory.

13 (4) Notwithstanding any other provision of law, any biological
14 material that has been secured in connection with a criminal case prior
15 to the effective date of this act may not be destroyed before January
16 1, 2005.

17 NEW SECTION. Sec. 2. A new section is added to chapter 10.73 RCW
18 to read as follows:

19 Nothing in this act may be construed to create a new or additional
20 cause of action in any court. Nothing in this act shall be construed
21 to limit any rights offenders might otherwise have to court access
22 under any other statutory or constitutional provision.

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